CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	<u> </u>	Force	$\overline{\mathbf{V}}$	Discourt.	U.S.
Rolando Vasquez		Squad #3	202101004	7	Abuse		O.L.	✓ Injury
Incident Date(s)		Location of Incident:		D.	ecinct:	10	Mo. SOL	EO SOL
			d A	PI				
Friday, 02/12/2021 8:55 PM		West 54th Street and 6		- 1-	18		/12/2022	8/12/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:				eived at CC	
Sat, 02/13/2021 12:29 PM		CCRB	On-line website	,	Sat, 02/13/	/2021	12:29 PM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ogg.					
withess(es)		Home Addre	:55					
Subject Officer(s)	Shield	TaxID	Command					
1. Officers								
2. CPT Julio Delgado	00000	918927	SRG 2					
3. PO Anthony Buonomo	09259	954579	SRG 3					
4. SGT Kandou Worley	05477	945113	SRG 1					
5. PO Paul Olivares	16326	959860	SRG 3					
6. SGT Thomas Manning	00000	930644	MTN PCT					
Witness Officer(s)	Shield No	o Tax No	Cmd Name					
1. DC Timothy Beaudette	00000	903414	PBMS					
2. PO Kevin Thomas	24437		BKLN CT					
3. PO Wendell Kornegay	23426	900426	SRG 3					
Officer(s)	Allegatio	on			Inve	estiga	ator Recor	nmendation
A.PO Anthony Buonomo	Force: Po	olice Officer Anthony B	uonomo used physica	al fo	rce			
B.PO Paul Olivares	_	olice Officer Paul Olivar	res used physical force	ce				

Officer(s)	Allegation	Investigator Recommendation
C.PO Anthony Buonomo	Discourtesy: Police Officer Anthony Buonomo spoke discourteously to \$\frac{887(2)(b)}{2}	
D.CPT Julio Delgado	Abuse: Captain Julio Delgado threatened to arrest individuals.	
E.SGT Kandou Worley	Force: Sergeant Kandou Worley used physical force against \$87(2)(b)	
F.SGT Thomas Manning	Force: Sergeant Thomas Manning used physical force against § 87(2)(b)	
G.SGT Thomas Manning	Force: Sergeant Thomas Manning used physical force against \$87(2)(b)	
H. Officers	Force: Officers used physical force against individuals.	
I.SGT Thomas Manning	Discourtesy: Sergeant Thomas Manning spoke discourteously to \$87(2)(b)	
J.SGT Thomas Manning	Force: Sergeant Thomas Manning used physical force against \$87(2)(b)	
K.CPT Julio Delgado	Force: Captain Julio Delgado used physical force against an individual.	
	§ 87(2)(g), § 87(4-b)	
	§ 87(2)(g), § 87(4-b)	

Case Summary

On February 13, 2021, an reporting non-witness filed this complaint via the
CCRB's website on behalf of unspecified individuals involved in a protest. The investigation
identified § 87(2)(b) and as alleged victims in this incident.
On February 12, 2021, starting at approximately 8:55 p.m., a group of protesters gathered at
West 54 th Street and 6 th Avenue in Manhattan as part of a Black Lives Matter protest. PO Anthony
Buonomo and PO Paul Olivares of the Strategic Response Group (SRG) performed a forcible
takedown against (Allegation A: Force, Unsubstantiated; Allegation B: Force,
Miscellaneous; \$87(2)(g)). PO Buonomo spoke discourteously toward \$87(2)(b)
(Allegation C: Force, \$87(2)(g) Captain Julio Delgado of SRG, threatened to arrest individuals
(Allegation D: Abuse of Authority, Miscellaneous - \$57(2)(9)
SRG performed allegedly performed a forcible takedown against (Allegation E:
Force, S87(2)(2) Sgt. Manning allegedly pulled out s dreadlocks (Allegation
F: Force, \$87(2)(g) Sgt. Thomas Manning of the 18 th Precinct pushed
(Allegation G: Force, \$87(2)(9) Officers allegedly pushed individuals (Allegation H: Force,
Sgt. Manning allegedly spoke discourteously toward (Allegation I:
Discourtesy, § 87(2)(g) Sgt. Manning pushed § 87(2)(b) (Allegation J: Force,
Captain Delgado allegedly pushed (Allegation K: Force,
Miscellaneous – \$ 87(2)(g)). \$ 87(2)(g). \$ 87(4-b)
). exception of the second of
was arrested for assaulting a police officer, assault, resisting arrest, obstructing
governmental administration (OGA), unlawful possession of a noxious matter, unlawful possession
of marijuana, and harassment. § 87(2)(b) was arrested for unlawful assembly.
arrested for resisting arrest, OGA, and harassment (Board Review 01).
One-hundred-forty-eight body worn camera (BWC) videos were received from NYPD
Legal (Board Review 02-149). Thirteen videos were received from the NYPD's Technical
Assistance Response Unit (Board Review 150-162). Three cell phone videos were received from
(Board Review 163-165).
This complaint was added to the Agency's sensitive case list due to media coverage of the
incident.
metacit.
Findings and Recommendations
Allegation (A) Force: Police Officer Anthony Buonomo used physical force against \$\frac{857(2)(6)}{2}\$
imegation (ii) I of earl officer filled of the fill of the against
Allegation (B) Force: Police Officer Paul Olivares used physical force against \$87(2)(b)
Allegation (C) Discourtesy: Police Officer Anthony Buonomo spoke discourteously to \$87(2)(6)
Thegation (C) Discourtesy. Tonce Officer Interiory Buonomo spoke discourteously to
testified that he joined group of about 100 people who were marching throughout
Manhattan (Board Review 166). § \$87(2)(b) did not observe any protesters doing anything violent
during the march. Eventually, the crowd stopped and started to gather at the intersection of 54 th
Street and 6 th Avenue. A protester, identified via investigation as \$87(2)(b) became involved
in a "heated" exchange with an officer, identified via investigation as PO Buonomo. § 87(2)(b)
was angry and repeatedly said, "What are you going to do, and said," did not remember more of
what was said. Second watched second and the officer for less than a minute. PO Buonomo
reached toward sales and the officer for less than a filling. To Buolionio reached toward sales and the officer for less than a filling. To Buolionio reached toward sales are sales and the officer for less than a filling.
brought him to the ground in the street, though
actions to bring street, though to the ground. Officers picked up street and walked him away
from the area. S7(2)(b) did not allege that discourteous language was used against S7(2)(b)
Allegation C is pled based on actions observed on BWC video.
was unavailable to the investigation and therefore could not be interviewed
was unavariable to the investigation and therefore could not be litterviewed

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(See IAs for contact attempts). a protester who was at incident and who was identified via arrest records, testified that he saw § 87(2)(b) identified via investigation as \$87(2)(b) being pulled to the ground in the street and arrested. [887(2)(b)] did not remember anything that led up to him being arrested and could not describe how he was brought to the ground (Board Review 167). A TRI report about the incident reports that \$87(2)(b) kicked PO Buonomo while he was establishing a police line with PO Olivares. § 87(2)(b) resisted arrest by "flailing" his arms and legs, and interlocking his hands underneath his body. §87(2)(6) bit PO Olivares and kicked at officers. \$87(2)(b) refused medical attention. The report notes \$87(2)(b) sustained "Lacerations/Abrasion" and minor swelling (Board Review 168). The encounter between PO Buonomo and \$87(2)(b) is captured in PO Buonomo's BWC video starting at the 01:40 minute mark (**Board Review 24**). §87(2)(b) (dressed in a black jacket with a hood over his head, a black mask, and dark pants), approaches the street where PO Buonomo is standing. A group of at least a dozen civilians is gathered at the corner in front of PO Buonomo. points toward PO Buonomo and says, "We're on the sidewalk." PO Buonomo swats his hand toward \$87(2)(b) and says, "Get your finger out of my face." \$87(2)(b) says, "You missed again, stupid." \$87(2)6 turns to another officer, points in their direction, and says, "I'm going to knock you the fuck out if you hit me with that. I swear to fucking God I'm going to punch you in your face." At 02:05, \$87(2)(b) steps toward PO Buonomo and says, "I'll punch you in your fucking face. I'm going to punch you in your face." At 02:23, \$87(2)(b) says, "You'll go home with a bloody fucking mouth, you don't realize. Pussy." \$87(2)(b) steps toward PO Buonomo and says, "Get the fuck off the sidewalk. We on the sidewalk." PO Buonomo extends his arms in front of him and grabs \$87(2)(b) PO Buonomo says, "You fucking kick me? You kicked me, you fuck? Get over here. You're under arrest." PO Buonomo's BWC appears to fall to the ground and the video ends. The incident was also captured in the BWC video of PO Paul Olivares of SRG3 starting at 01:45 (Board Review 43), PO Olivares is standing behind PO Buonomo, At 02:30, PO Buonomo PO Buonomo pulls \$87(2)(b) toward PO Olivares. Starting at 02:41, PO Olivares and other officers huddle over \$87(2)(b) give him numerous common delications. reaches toward \$87(2)(b) The video does not capture whether \$87(2)(b) kicked PO Buonomo. give him numerous commands to put his hands behind his back and to stop resisting. Several officers appear to grapple with \$87(2)(b) to gain control of his arms. No other force is depicted in the BWC video. \$87(2)(b) is picked up and walked away. None of the other video evidence captured the events leading up to \$87(2)(b) s arrest. PO Buonomo's testimony was generally consistent with his BWC video (Board Review 169). PO Buonomo noted that \$87(2)(b) stood in front of him making various profane remarks toward him and other officers, and that he threatened to inflict physical harm on him and other officers. PO Buonomo was standing in the street with his left foot on the curb. \$87(2)(b) Buonomo to take his foot off the curb and kicked PO Buonomo's left foot. PO Buonomo reached out and grabbed \$87(2)(b) by the chest to place him under arrest for assault. \$87(2)(b) his body away from PO Buonomo. PO Buonomo pulled \$57(2)(6) toward him and pulled him to the ground. PO Buonomo acknowledged using profanity toward \$87(2)(b) and said he did so as a knee-jerk reaction during the stressful encounter in response to \$87(2)(b) kicking him and resisted arrest on the ground by holding his arms underneath his body threatening him. § 87(2)(b) and biting PO Olivares. After \$87(2)(b) was handcuffed, PO Buonomo walked him to a police van. While walking him to the van, \$87(2)(b) kicked PO Buonomo's legs causing both of them to fall. The TRI report and Line-of-Duty injury report for PO Buonomo note that he sustained left wrist pain and swelling, numbness and swelling to his left hand, swelling and abrasions to his left knee, and pain to his left foot (Board Review 186-187). Photos depicting the injuries to PO Buonomo's hands and knee are attached to the TRI report. PO Olivares testified that he was standing behind PO Buonomo while PO Buonomo had an

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encounter with § 87(2)(b)

which PO Olivares did not remember in more detail (**Board Review**

170). Eventually, PO Buonomo reached toward which indicated to PO Olivares that
was being placed under arrest. PO Olivares did not know if \$87(2)(b) with indicated to PO Olivares that
Buonomo. Other individuals in the crowd grabbed \$87(2)(6) and attempted to pull him back into
the crowd. § 87(2)(6) pulled his body away from PO Buonomo and tried to release himself. PO
Buonomo pulled \$87(2)(b) into PO Olivares' body. PO Olivares had a hold on \$87(2)(b) s
right arm, PO Buonomo held is left arm, and the two officers guided \$87(2)(b) to the ground in
the street to handcuff him. While on the ground, \$87(2)(b) resisted arrest by holding his arms
underneath him and kicking his legs. \$87(2)(b) bit PO Olivares in the thigh. \$87(2)(b) was
handcuffed and walked away by other officers. The TRI report and Line-of-Duty injury report for
PO Olivares notes that PO Olivares sustained pain and swelling to his right wrist, pain and
abrasions to his knees, a bite mark on his leg, and a strain to his lower back (Board Review 188-
189). Photos of the injuries to PO Olivares' hands and knee are attached to the TRI report.
According to the NYPD Department Advocate Office, PO Olivares retired from the service
as of April 30, 2022 (Board Review 171).
Officers may use force when it is reasonable to place a person in custody or to prevent
escape from custody. In all circumstances, any application or use of force must be reasonable under
the circumstances NYPD Patrol Guide, Procedure 221-01 (Board Review 172).
Officers must render services with courtesy and civility. NYPD Patrol Guide, Procedure
200-02 (Board Review 192). Officers have a responsibility to act with decorum in their interactions
with civilians, though there are certain situations where profane remarks made during a stressful or
chaotic situation do not constitute misconduct. Disciplinary Court No. 2018-18951 (Board Review
173).
While \$87(2)(b) and \$87(2)(b) were unable to provide detailed context for the
circumstances of \$87(2)(b) s arrest, the BWC video shows that \$87(2)(b) made numerous
threats of physical harm toward PO Buonomo and other officers. Despite \$87(2)(b) s demeanor,
PO Buonomo took no enforcement action against \$87(2)(b) until, according to PO Buonomo,
kicked him. § 87(2)(b). § 87(2)(g)
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§ 87(2)(g)
§ 87(2)(g)
Allegation (D) Abuse of Authority: Captain Julio Delgado threatened to arrest individuals.
testified that Captain Delgado yelled aloud to protesters, not directed at anyone in
particular, various threats of arrest including, "Get on the sidewalk or else you're going to be
arrested," and "Don't move from there, if you step off you'll be arrested." Captain Delgado made
these threats throughout the evening anytime someone was near the curb or stepped off the
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Captain. Delgado's BWC video showed him walking around giving orders to various officers to form police lines at various locations. The video did not capture him making any threat of arrest toward the crowd (**Board Review 57**).

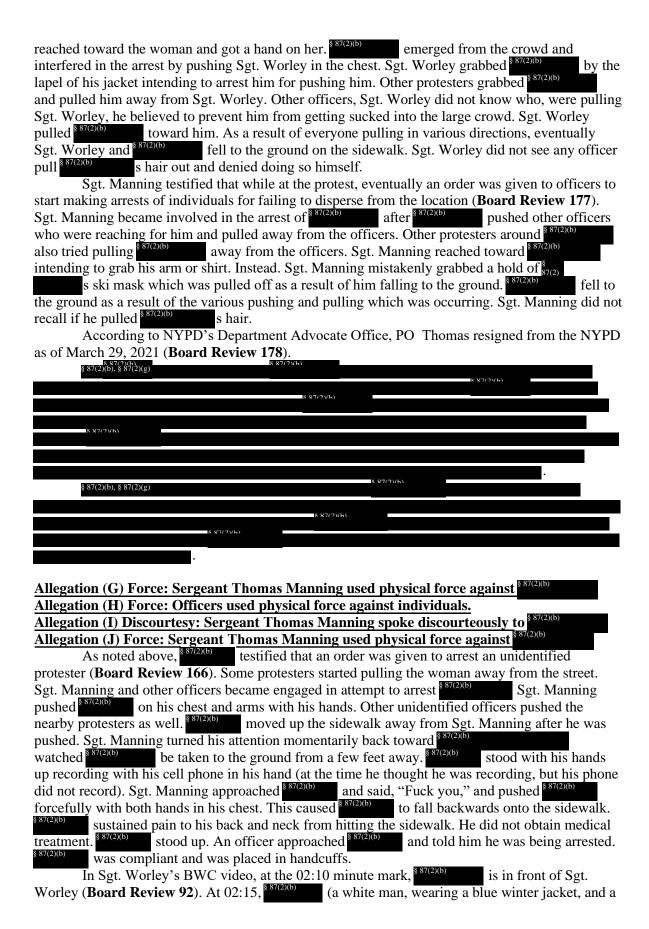
A request to the NYPD's Department Advocate Office revealed that Captain Delgado retired from the NYPD as of July 30, 2021 (**Board Review 174**).

sidewalk.

87(2)(g)

Allegation (E) Force: Sergeant Kandou Worley used physical force against Allegation (F) Force: Sergeant Thomas Manning used physical force against testified that there was an unidentified woman standing on a mound of snow recording officers (**Board Review 166**). An officer ordered other officers to arrest the woman. Officers approached the woman. In response, protesters pulled the woman away from the street. An officer, identified via investigation as Sgt. Manning, reached toward a male protester, identified via investigation as § 87(2)(b) grabbed the ski mask he was wearing, and pulled it off. In the same motion, some of § 87(2)(b) s hair, styled in dreadlocks, was pulled out. Three to four other officers who § 87(2)(b) could not describe because they were all dressed in blue uniforms with helmets, grabbed § 87(2)(b) by the jacket, pulled him toward them, and pulled him down to his knees before pulling him to the floor. § 87(2)(b) did not see what happened because he became involved in an incident with Sgt. Manning (described in the next section of this report). was unavailable to the investigation and therefore could not be interviewed (See IAs for contact attempts). The TRI report related to this aspect of the incident notes that [87(2)(b)] shoved Sgt. Worley in the torso while he was attempting to make an arrest. resisted by pulling away while multiple people were also pulling him away from officers. Sgt. Worley was able to pull to the ground where he resisted by folding his arms underneath his torso. According to the report, PO Damian § 87(2)(b) of SRG assisted with the arrest. No injuries to officers are noted in the TRI report (Board Review 175). Sgt. Worley's BWC video starting at the 01:50 minute mark, an officer next to Sgt. Worley directs officers, "Arrest her." Sgt Worley approaches a crowd of people standing atop of and behind a mound of snow along the curb of the street. § 87(2)(b) (wearing a blue ski mask) first appears in the video at 02:11. Sgt. Manning enters from the right side of the frame at 02:17 and he reaches with his left hand toward § 87(2)(b) The video abruptly ends (Sgt. Worley noted that the BWC became dislodged from his chest due to the tumult). The video does not clearly capture the actions of Sgt. Worley or \$87(2)(b) (Board Review 92). PO Thomas' BWC video, starting at the 12:55 minute mark, shows \$87(2)(b) the right side of the sidewalk (near the building) to the curb toward a crowd of people (Board Review 15). PO Thomas and other officers approach. § 87(2)(b) is briefly visible at the 13:12 minute mark. However, due to the number of officers and civilians in close proximity and the movements of PO Thomas, the video does not clearly depict specific actions taken by the individuals involved in this aspect of the incident. At 13:30, appears to have been brought to the ground, but the video does not capture how this occurred. Sgt. Manning did not have BWC video recordings of this aspect of the incident. His recording started after had already been handcuffed and taken to a police van. Cell phone video (from the start of the video), shows \$87(2)(b) (a black man with a beard and long hair, standing to the right of \$87(2)(b) wearing glasses), standing amongst a crowd of protesters and officers. Protesters standing behind are pulling him backwards. Officers are reaching into the crowd toward \$87(2)(b) appears to be taken to the ground but this is obscured by the number of officers in the way of the recorder (Board Review **164**). Sgt. Worley testified that while posted in the street at the incident location, he observed an

unidentified woman screaming at the top of her lungs cursing at officers (**Board Review 176**). The woman picked up snow from the ground which drew Sgt. Worley's attention because he was concerned she might throw the snow at officers. After a few moments, a supervisor, Sgt. Worley did not know who, instructed officers to arrest the woman. Sgt. Worley and other officers, he did not know who, approached the woman who was surrounded by a crowd of protesters. Sgt. Worley



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grey winter hat) enters the frame on the right side of the screen. Sgt. Manning is to the right of in the video. Sgt. Manning's arms are outstretched in front of him as he tries to push toward There was no other BWC video which captured the interaction between \$87(2)(b) and Sgt. Manning, or other officers pushing protesters involved in this aspect of the incident. Cell phone video (from the start of the video) shows \$87(2)(b) on the right side of the screen (wearing a grey winter hat) to the right of Sgt. Manning, in close proximity to him (Board Review 164). Sgt. Manning's back is turned to the camera. As described in the previous section, the center of the video depicts officers attempting to arrest \$87(2)(b) while being pulled away by other protesters. At 00:08, Sgt. Manning appears to disengage from the struggle with \$37(2)(6) and he turns to the right. At 00:11, \$87(2)(b) is standing in front of Sgt. Manning with his hands up in front of him. Sgt. Manning pushes \$87(2)(b) once on his chest which causes him to fall backwards onto the sidewalk. The recorder of the video, standing behind Sgt. Manning, responds, "Look at this fat retard. What the fuck is this? What the fuck is that? You fucking bitch. You pussy. You fucking pussy." Sgt. Manning becomes involved in an apparent arrest which started next to where § 87(2)(b) was standing. As noted above, Sgt. Manning testified that he became involved in the effort by other officers to arrest (Board Review 177). Other protesters got in the way of the officers who were trying to apprehend Sgt. Manning did not recall physically engaging with these individuals and did not recall pushing anyone. After being presented with the cell phone video noted above, Sgt. Manning acknowledged pushing \$87(2)(b) because he believed he was trying to get around the officers who were making another arrest next to \$87(2)(b) Sgt. Manning told to get back but he did not move away. Sgt. Manning did not have an independent recollection of \$87(2)(b) falling. Sgt. Manning denied saying, "Fuck you," to \$87(2)(b) and did not recall if he used any profanity. Officers may use force when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances NYPD Patrol Guide, Procedure 221-01 (Board Review 172). Sgt. Worley's BWC video shows a crowded sidewalk of officers and civilians while s arrest is initiated. § 87(2)(b), § 87(2)(g) However, the second push of \$87(2)(b) which resulted in him falling occurred under different circumstances. There were numerous protesters around and the second push occurs only a few seconds after \$87(2)(b) falls to the ground, and next to where another struggle erupted between protesters and officers. Nevertheless, \$57(2)(6) had walked further up the block, away from the initial encounter with \$87(2)(b) was standing in place, and had his hands up at his sides when Sgt. Manning pushed him to the ground. There was an arrest occurring next to \$87(2)(b) there was no evidence that \$37(2)(6) made any motion toward that arrest which indicated he intended to interfere. § 87(2)(g)

§ 87(2)(g)	
	§ 87(2)(g)
yellov descri Revie	testified that Captain Delgado pushed an unidentified man who was wearing a beanie with a camera affixed to the top. The protester fell (Board Review 166). Captain Delgado's BWC does not capture him interacting with anyone resembling the ption provided by street and does not capture him pushing anyone to the ground (Board w 57). Is noted above, Captain Delgado has retired as a member of service.
§ 87(2)(g),	§ 87(4-b)
. 171	Civilian and Officer CCRB Histories have been a porty (Poord
	his is the first CCRB complaint to which s87(2)(b) and s87(2)(b) have been a party (Board eview 179-180).
	7(2)(b), § 87(2)(a) CVR § 50-b
• PO	O Buonomo has been a member of service for eight years and has been as subject in five

- CCRB complaints involving nine allegations, four of which were substantiated.
 - o 202005664 involved an allegation of physical force (push), which was substantiated. The Board recommended Command Discipline B and the NYPD imposed no penalty.
 - 202007667 involved one allegation each of refusal to provide shield number, discourtesy
 word, and offensive language. The Board substantiated the allegations and recommended
 Charges. The NYPD has not yet imposed discipline.

§ 87(2)(g)			
		rvice for six years and had been a sneither of which were substantiate	
Captain Del CCRB comp 201904 recomm \$87(2)(g) Sgt. Worley	gado had been a member of plaints involving 29 allegar 455 involved a substantiate nended Command Discipling has been a member of the	of service for 25 years and had bee tions, one of which was substantiated seizure of property allegation. The A and the NYPD imposed Compared service for 14 years and has been none of which were substantiated.	n a subject in 13 ted. The Board mand Discipline A. a subject in six CCRB
Sgt. Mannir complaints in 201810	ng has been a member of se involving 27 allegations, o 167 involved a substantiate	ervice for 19 years and has been a ne of which was substantiated. ed entry allegation. The Board recorded Command Discipline A.	subject in nine CCRB
As of March	aint was not suitable for me n 14, 2022, the New York	Civil, and Criminal Histories ediation. City Office of the Comptroller has incident (Board Review 182).	no record of a Notice
§ 87(2)(b)			
§ 87(2)(b)			
185).			
Squad:3			
Squad Leader: _	Rolando Vasquez Signature	IM Rolando Vasquez Print Title & Name	6/17/2022 Date
Reviewer:	Signature	Print Title & Name	Date